IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO.512 OF 1993

1. Prabhakar K. Murkar,
Room No.1.

2. Mukund Parshuram Keer,
Room No.2.

3. Waman Bhiva Rane,
Room No.3.

4. Suresh Parshuram D.Nagvekar,
Room No.4.

5. Anand Bhau Surve,
Room No.6.

6. Shridhar Dhondu Todankar,
Room No.5.

7. Ramchandra Balaji Dhuri,
Room No.7.

8. Shankar Narayan Shridhankar, ..Petitioners
Room No.8.

All abovesaid rooms situated at
Tarabai Chawl, S.K.Bole Road,
Dadar, Bombay-400 028.

v/s.

1. The Municipal Corporation of
Greater Bombay, a Corporation
incorporated under the Bombay
Municipal Corporation ACt, 1888,
and also designated as Planning
Authority under the Maharashtra
Regional and Town Planning Act,
1956, and havign its office at
Mahapalika Marg, Nagar Chowk,
Bombay 400 001.

2. The State of Maharashtra,
through the Secretary, Urban
Development Department,
Mantralaya, Bombay. .. Respondents.

Mr.R.D.Soni with Mr.R.S.Champawat for the petitioners.

Shri Vinod Mahadik for the respondent No.1.

Ms.Geeta Shastri, Assistant Government Pleader for the State.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 12th August, 2005

ORAL JUDGMENT (Per R.M.Lodha, J.)

Heard.

2. During the course of hearing, the learned counsel for the respondents informed us that one Sanjivani Developers are developing the property bearing FP No.956, TPS 4 of Mahim Division, situate at Sayani Road, Prabhadevi, Mumbai. The said developers made the proposal to accommodate 40 project affected persons. The respondents vide their communication dated 18.1.2003 while accepting the proposal made by the said Sanjivani Developers made under section 33(15) of the D.C. Rules, 1991 have asked the said developers to accommodate the present petitioners on the conditions mentioned therein.

3. The learned counsel for the petitioners submits that the grievance of the petitioners shall be redressed if they are given possession of the

accommodation in the property bearing FP No.956, TPS 4, Mahim, Mumbai being redeveloped by Sanjivani Developers.

4. We record that the learned counsel for the petitioners made the statement before us that the petitioners accept the alternative accommodation being offered in the property bearing FP No.956, TPS 4 of Mahim Division being developed by Sanjivani Developers and that the petitioners do not desire to challenge the notices dated 31.7.1990, 8.9.1990, 22.10.1990, 21.10.1992 and the order dated 12.10.1992 on merits.

5. In the light of the submissions made before us, we are satisfied that the following order shall meet the ends of justice:-

(i) That the petitioners accept the allotment of tenements in the property bearing FP No.956, TPS 4 of Mahim Division, Mumbai being developed by Sanjivani Developers on the conditions mentioned in the letter dated 18.1.2003 sent by the office of the Assistant Engineer, G/North Ward to M/s.Sanjivani

Developers.

(ii) Upon possession of the allotted tenements being given to the petitioners, the respondents shall be at liberty to remove the subject structures.

No costs.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)